

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF PENNSYLVANIA

DAVID BIEBEL,)	ERIE DIVISION
)	
Plaintiff,)	CIVIL ACTION NO. 05-10
)	
vs.)	
)	
KOHL'S DEPARTMENT STORE,)	
)	
Defendant.)	
)	
)	
)	

MOTION IN LIMINE TO EXCLUDE TESTIMONY OF NICK STEFANOVSKI, M.D.

AND NOW, comes Defendant, Kohl's Department Stores, Inc., incorrectly identified as Kohl's Department Store, by and through its attorneys, Tighe, Evan, Schenck and Paras, and files the following Motion in Limine to Exclude Testimony of Nick Stefanovski, M.D.

1. Plaintiff identified Nick Stefanovski, M.D. as an expert witness plaintiff plans to call to testify at trial.
2. Plaintiff did not attach a narrative report of Dr. Stefanovski to his Pretrial Statement. Dr. Stefanovski's office records were attached to the plaintiff's Pretrial Statement, but contain no medical opinions.
3. According to Local Rule 16.1.4A.2., a party shall attach a copy of the report of any physician that it expects to call as a witness at trial and if a timely production of such report is not made, the testimony may be excluded.

4. As there has not been production of a report of Dr. Stefanovski, defendant requests that his testimony be precluded at trial.

WHEREFORE, Defendant Kohl's Department Stores, Inc., respectfully requests the within Motion in Limine be granted.

Respectfully submitted,

TIGHE, EVAN, SCHENCK & PARAS

By 

Cynthia L. O'Donnell, Esquire
Pa. I.D. No. 59541

Attorney for Defendant Kohl's Department
Stores, Inc., incorrectly identified as Kohl's
Department Store

Four Gateway Center
444 Liberty Avenue, Suite 1300
Pittsburgh, PA 15222-1223

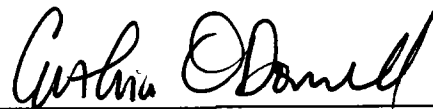
(412) 391-8100

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing **MOTION IN LIMINE
TO EXCLUDE TESTIMONY OF NICK STEFANOVSKI, M.D.** has been served upon all parties listed below via First Class, U.S. Mail, postage pre-paid, on this 12 day of October, 2005:

Kevin W. Barron, Esquire
821 State Street
Erie, PA 16501
(Attorney for Plaintiff)

TIGHE, EVAN, SCHENCK & PARAS

By: 

Cynthia L. O'Donnell, Esquire
Pa. I.D. No. 59541
Attorney for Defendant Kohl's
Department Stores, Inc., incorrectly
identified as Kohl's Department Store

Four Gateway Center
444 Liberty Avenue, Suite 1300
Pittsburgh, PA 15222-1223

(412) 391-8100